

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>FRANK TRIPP,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CAUSE NO. 1:21-CV-1957</b>
	)	
<b>DUKE ENERGY BUSINESS</b>	)	
<b>SERVICES LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

1. Plaintiff, Frank Tripp (“Tripp”), by counsel, brings this action against Defendant Duke Energy Business Services LLC (“Duke Energy” or “Defendant”), for failure to pay overtime in violation of 29 U.S.C. §207, *et. seq.*, under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201 *et seq.*

**PARTIES**

2. Tripp is an individual who at all times relevant, resided in Hendricks County, Indiana. Duke Energy employed Tripp within the three-year period preceding the filing of this Complaint. Tripp is an individual employee within the meaning of the FLSA, 29 U.S.C. § 203(e)(1).

3. Duke Energy is a Delaware limited liability company doing business in Indiana. Duke Energy acted, directly or indirectly, in the interest of an employer with respect to Tripp. Duke Energy is an “employer” within the meaning of the FLSA, 29 U.S.C. § 203(d).

### **JURISDICTION**

5. This Court has jurisdiction over Duke Energy because Tripp has asserted a claim arising under federal law.

### **VENUE**

6. Venue is proper in this Court pursuant to 28 U.S.C. §1391. Venue is appropriate in the Southern District of Indiana because the wage and hour violations at issue in this case occurred in this District.

### **COVERAGE**

7. At all times hereinafter mentioned, Tripp was engaged in interstate commerce as defined by the FLSA, 29 U.S.C. § 207.

8. At all times hereinafter mentioned, Duke Energy has been an enterprise within the meaning of Section 3(r) of the FLSA, 29 U.S.C. §203(r).

9. At all times hereinafter mentioned, Duke Energy has been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. §203(s)(1), in that the enterprise has had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that the enterprise has had and has an annual gross volume of sales made or business done of not less than \$500,000.

### **FACTS**

10. Duke Energy employed Tripp as a Senior Turbine/Generator Specialist – Midwest Region.

11. Tripp was not exempt from the overtime provisions of the FLSA.

12. Tripp regularly worked in excess of forty (40) hours per week (“overtime hours”), but was not compensated for all overtime hours at the rate required by the FLSA.

13. Duke Energy knew that Tripp regularly worked overtime hours.

14. Duke Energy’s conduct in not paying Tripp overtime compensation at the rate required under the FLSA was willful and in bad faith.

**COUNT I: FAILURE TO PAY WAGES IN ACCORDANCE  
WITH THE FAIR LABOR STANDARDS ACT**

15. Tripp hereby incorporates by reference paragraphs 1-14 of his Complaint.

16. During the relevant time period, Duke Energy has violated the provisions of Section 7 of the FLSA, 29 U.S.C. § 207 by employing Tripp for workweeks longer than forty hours without compensating Tripp for his hours in excess of forty hours per week at a rate not less than one and one-half the regular rate of pay for which he was employed. Duke Energy has acted willfully, or with reckless disregard, in failing to pay Tripp in accordance with the law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Frank Tripp demands:

a. An Order pursuant to Section 16(b) of the FLSA finding Defendant liable for unpaid overtime compensation due to Tripp and for liquidated damages in an amount equal to the unpaid overtime compensation found due to Tripp;

b. An Order awarding Tripp his attorneys’ fees and costs of this action; and

c. An Order granting such other and further relief as may be necessary and appropriate.

/s/ Robert J. Hunt

---

Robert J. Hunt, (#30686-49)  
3091 E. 98<sup>th</sup> Street, Suite 168  
Indianapolis, Indiana 46280  
Telephone: (317) 743-0614  
Facsimile: (317) 743-0615  
E-Mail: rob@indianawagelaw.com

Attorney for Plaintiff